

Vermont Department of Environmental Conservation

Watershed Management Division
1 National Life Drive, Main 2
Montpelier VT 05620-3522
www.watershedmanagement.vt.gov

Agency of Natural Resources

[phone] 802-828-1535
[fax] 802-828-1544

December 26, 2012

Jean Brewster Giddings
Fitts, Olson & Giddings, P.L.C.
16 High Street
Brattleboro, VT 05301-3001

Re: Petition for Kenny Pond

Dear Ms. Brewster Giddings:

In May 2012, the Vermont Legislature passed Act No. 138, which transferred certain rulemaking authority from the Vermont Natural Resources Board's Water Resources Panel to the Agency of Natural Resources. The Agency is now responsible for rulemaking concerning the Vermont Use of Public Waters Rules and will be reviewing petitions filed under the provisions of 10 V.S.A. § 1424.

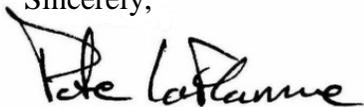
This letter acknowledges I am in receipt of the petition filed under the provisions of 10 V.S.A. § 1424 on behalf of the Martha K. Palmer Trust (a.k.a. the Martha Kinne Palmer Trust) trustees requesting the amendment of the Vermont Use of Public Waters Rules to exclude Kenny Pond in Newfane, Vermont, from designation as Public Waters in appendix A, page A 26 of the Vermont Use of Public Waters Rules.

I have reviewed the petition and determined that it has been filed in substantial compliance with the Water Resources Panel's applicable Rules of Procedure and Use of Public Waters Rules. However, the Agency requires certain information before it can conduct a complete analysis. Please submit information addressing the following inquiries as soon as possible:

1. Does a culvert connect the two water bodies on either side of Grout Pond Road? Where does the culvert lie?
2. What property rights were conveyed to the Town of Newfane as part of its right-of-way on Grout Pond Road? If possible, please provide the Agency with the instrument that conveyed these rights to the town.

Once I have received these materials, I will provide you with written confirmation of a complete petition and notice of the Agency's proposed schedule for making a determination on your petition. If you have any questions regarding the petition process or the additional materials requested, please contact our Division attorney, Leslie Welts, Esq. at (802) 490-6103 or leslie.welts@state.vt.us.

Sincerely,

A handwritten signature in black ink that reads "Pete LaFlamme". The signature is written in a cursive style with a large, stylized initial "P".

Pete LaFlamme, Director
Watershed Management Division